

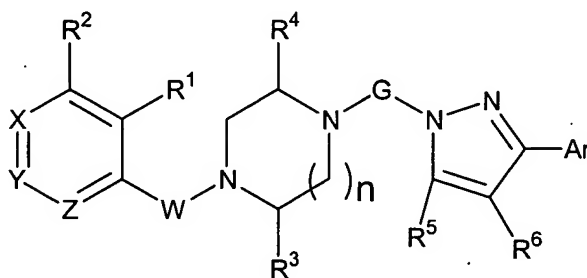
## REMARKS

The compounds recited in the claims as amended are a subgenus of the compounds with  $n = 2$ , and consequently still within the scope of Group II that was elected after the restriction requirement asserted in the Office Action dated 08/14/2003.

The traverse set forth in Amendment and Response "C" is reasserted and incorporated herein by reference.

The reasons given in the section Response to the Arguments in the Office Action are traversed because such reasons were inapplicable to the claims pending when the Office Action issued, and because they are also inapplicable to the presently amended claims. The reasons given in the section Response to the Arguments refer to compounds that are not recited in the pending claims.

Claims 43-45 of co-pending application US 09/928,122 (hereinafter the "'122 Application'") recite methods that comprise administering a composition that comprises a compound recited in claims 1, 30, 31, or 36 therein. Such claims 30, 31, and 36 depend, directly or through other depending intervening claims, from independent claim 1 therein. Such claim 1 recites, *inter alia*, a compound of formula (I)



(I)

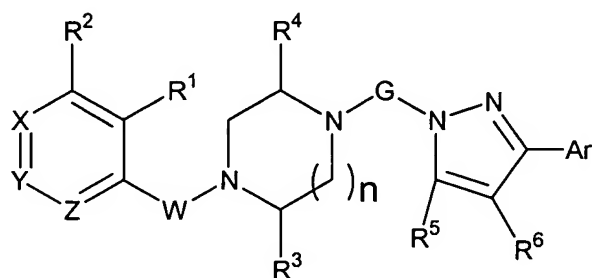
in which  $R^5$  and  $R^6$  are "taken together to form pyridinyl or 5-membered carbocyclic ring or 7-membered carbocyclic ring, which ring may be unsaturated or aromatic, and each of said pyridinyl, 5-membered ring and 7-membered ring may be optionally substituted with ...". The '122 Application, Amendment and Response "B", filed May 28, 2004.

The pending claims in the present application recite methods that comprise administering a composition that comprises a compound recited as in the preceding list of pending claims. These claims provide, *inter alia*, that "each of  $R^5$  and  $R^6$  is

independently hydrogen, C<sub>1-5</sub> alkyl, C<sub>2-5</sub> alkenyl, C<sub>1-5</sub> alkoxy, C<sub>1-5</sub> alkylthio, halogen, or a 4-7 membered carbocyclyl or heterocyclyl; ”.

It follows from at least the quoted recitations of portions of the claims in the ‘122 Application and portions of the claims in the present application, that such claims recite different subject matter. The claims in the present Application may not be rejected under the nonstatutory double patenting doctrine in view of claims 43-45 of the ‘122 Application.

Claims 1-8 of co-pending application US 09/947,041 (hereinafter the “’041 Application”) recite methods that comprise administering a composition that comprises a compound recited in claims 1-8 therein. Such claims 1-8 depend, directly or through other depending intervening claims, from independent claim 1 therein. Such claim 1 recites, *inter alia*, a compound of formula



in which R<sup>5</sup> and R<sup>6</sup> “can be taken together to form an optionally substituted 5- to 7-membered heterocyclic ring, a 5-membered carbocyclic ring, or a 7-membered carbocyclic ring, which ring may be unsaturated or aromatic, and may be optionally substituted with ...”. The ‘041 Application, Amendment and Response “C”, filed December 20, 2004.

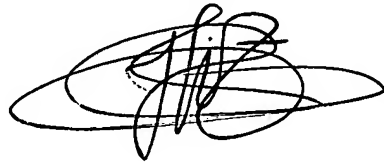
As noted above, the pending claims in the present application recite methods that comprise administering a composition that comprises a compound recited as in the preceding list of pending claims in the present application. These claims provide, *inter alia*, that “each of R<sup>5</sup> and R<sup>6</sup> is independently hydrogen, C<sub>1-5</sub> alkyl, C<sub>2-5</sub> alkenyl, C<sub>1-5</sub> alkoxy, C<sub>1-5</sub> alkylthio, halogen, or a 4-7 membered carbocyclyl or heterocyclyl;”.

It follows from at least the quoted recitations of portions of the claims in the ‘041 Application and portions of the claims in the present application, that such claims recite different subject matter.

For at least the foregoing reasons Applicants respectfully submit that the pending claims may not be rejected under the nonstatutory double patenting doctrine in view of claims 1-8 of the '041 Application, and consequently request the removal of these rejections.

Applicants respectfully request favorable consideration of the present Response to place the present application in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. Juanós i T.", enclosed within a large, loopy oval shape.

By: Jesús Juanós i Timoneda, PhD  
Reg. No. 43,332

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1513  
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